

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

NOTICE OF DOCUMENT DISCREPANCIES

FILED

2008 MAY -5 PM 2:00

TO: ☒ U. S. DISTRICT JUDGE / ☐ U. S. MAGISTRATE JUDGE
 FROM: R. Mullin, Deputy Clerk
 CASE NO.: 08cv0325 LAB (POR) DOCUMENT FILED BY: Petitioner
 CASE TITLE: Burton v. Director
 DOCUMENT ENTITLED: Motion for Stay & Abeyance

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RECEIVED DATE: 4/30/2008
DEPUTY

Upon the submission of the attached document(s), the following discrepancies are noted:

<input checked="" type="checkbox"/>	Local Rule	Discrepancy
<input checked="" type="checkbox"/>	5.1	Missing time and date on motion and/or supporting documentation
<input type="checkbox"/>	5.3	Document illegible or submitted on thermal facsimile paper
<input type="checkbox"/>	5.4	Document not filed electronically. Notice of Noncompliance already issued.
<input type="checkbox"/>	7.1 or 47.1	Date noticed for hearing not in compliance with rules/Document(s) are not timely
<input checked="" type="checkbox"/>	7.1 or 47.1	Lacking memorandum of points and authorities in support as a separate document
<input type="checkbox"/>	7.1 or 47.1	Briefs or memoranda exceed length restrictions
<input type="checkbox"/>	7.1	Missing table of contents
<input type="checkbox"/>	15.1	Amended pleading not complete in itself
<input type="checkbox"/>	30.1	Depositions not accepted absent a court order
<input type="checkbox"/>		Supplemental documents require court order
<input type="checkbox"/>		Default Judgment in sum certain includes calculated interest
<input checked="" type="checkbox"/>		<u>OTHER: Case closed.</u>

Date forwarded: 5/1/2008

ORDER OF THE JUDGE / MAGISTRATE JUDGE

IT IS HEREBY ORDERED: *4/18/08 Order instructed Petitioner to re-open the case by filing a First Amended Petition no later than 6/10/08.*

- ☐ The document is to be filed nunc pro tunc to date received.
- ☒ The document is NOT to be filed, but instead REJECTED. and it is ORDERED that the Clerk serve a copy of this order on all parties.

Rejected document to be returned to pro se or inmate? ☒ Yes. Court Copy retained by chambers ☐

Counsel is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83.1

CHAMBERS OF: LARRY ALAN BURNS
U.S. DISTRICT JUDGE

Dated: 5-5-08
cc: All Parties

By: [Signature]

IN THE UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA, SAN DIEGO

REJECTED

DATE 4/26/08

ERIC WILTON BURTON #F02720, } CIVIL NO. 08-0325 LAB (POR) / 1:08 CV,
 PETITIONER } 000190 OWW WMW HC. (FILED 2-06-08)
 V. } NOTICE OF MOTION AND MOTION FOR
 DIRECTOR, OF THE CALIFORNIA } STAY AND ABEYANCE PURSUANT TO,
 DEPARTMENT OF CORRECTIONS } 28 U.S.C. § 2254 (2)(B).
 AND REHABILITATION, } 28 U.S.C. § 2254, KELLY V. SMALL (9TH
 RESPONDENT } CIR. 2003) 31 F.3d 1063; LA GRAND V.
 STEWART (9TH CIR. 1998) 133 F.3d 1253;
 SLACK V. MCDANIEL (2000) 529 U.S. 473; } PICARD V. CONNER (1971) 404 U.S. 270,
 275, 277-278; DUNCAN V. HENRY 513
 U.S. 364. BASED ON MEMORANDUM

AS SOON AS THE MATTER MAY BE TRIED AND POINTS OF AUTHORITY.
 NOW COMES THE PETITIONER ERIC WILTON BURTON #F02720, AN
 UNCONSTITUTIONALLY INCARCERATED STATE INDIGENT PRISONER.
 NOTICE IS HEREBY GIVEN TO THE ABOVE MENTIONED HONORABLE
 DISTRICT COURT AND THE DIRECTOR OF C.D.C.R. AND THE STATE
 ATTORNEY GENERAL, STATEMENT OF FACTS - TODAY 4-25-08 PETITIONER
 RECEIVED AN ORDER GRANTING HIM TO PROCEED IN FORMA PAUPERIS
 AND DISMISSING PETITION WITHOUT PREJUDICE, BY THE HONORABLE
 DISTRICT COURT JUDGE LARRY ALAN BURNS, CLAIMING THAT THE
 PETITIONER FAILED TO USE THE COURT APPROVED PROPER FORM. PETITIONER
 DISAGREES, AND ASSERTS THE DISTRICT COURT (SOUTHERN) IS IN ERROR.
 PETITIONER USED THE PROPER FEDERAL H.C. FORM AS SENT TO HIM BY THE
 THE EASTERN DISTRICT COURT CLERK, AND HE PROPERLY FILED HIS
 FEDERAL H.C. PETITION ON 2-06-08 IN THE EASTERN CALIFORNIA DISTRICT,
 THE CORRECT JURISDICTION WHERE PETITIONER IS INCARCERATED.
 PETITIONER RECEIVED THE FEDERAL H.C. FORM FROM THE PRISON LAW LIBRARY.

O. BOX 5246 - CSATFSP - CI-1196

IN THE UNITED STATES DISTRICT COURT

ACORAN, CA. 93212

SOUTHERN CALIFORNIA DISTRICT, S.D., CA.

IN PROPER

ATTACHMENT OF MEMORANDUM AND
POINTS OF AUTHORITIES IN SUPPORT OF
MOTION FOR STAY AND ABEYANCE

REJECTED

DATE 4-26-08

CASE NO: 08-0325 LAB (PDR)
1:08 CU 000190 OWN N.M.N.H.C.
FILED 2-6-08 PAGES 1-10

PO BOX 5246 CORCORAN, CA 93212
INTRODUCER
Case 3:08-cv-00325-LAB-POR Document 6

REJECT

IN THE UNITED STATES DISTRICT COURT
SOUTHERN CALIFORNIA DISTRICT
SAN DIEGO CA.

CASE NO. 3:08-CV-00325-
LAB-POR

EXHIBIT COVER PAGE

A

EXHIBIT

Description of this Exhibit: ORIGINAL FILED FEDERAL
HABEAS CORPUS PETITION: 1:08CV000190 QWW WMH HK
FILED 2-06-2008

Number of pages to this Exhibit: 6 pages.

JURISDICTION: (Check only one)

- ☐ Municipal Court
- ☐ Superior Court
- ☐ Appellate Court
- ☐ State Supreme Court
- ☒ United States District Court
- ☐ State Circuit Court
- ☐ United States Supreme Court
- ☐ Grand Jury